

## REMARKS

Claims 1-51 are pending in the application.

Claims 29-51 stand withdrawn as non-elected responsive to a restriction requirement and are hereby cancelled without prejudice for presentation in a divisional application.

Claims 1-4, 6-9, 11-21 and 23-38 are rejected under 35 U.S.C. 102(b).

Claims 5, 10 and 22 are rejected under 35 U.S.C. 103(a).

Claims 1, 8 and 20 are amended.

Claims 4, 18, and 23 are cancelled in favor of amended claims 1, 8 and 20.

New claim 52 is added.

No new matter is added.

Claims 1-3, 5-17, 19-22, 24-28 and 52 remain in the case.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

### *Claim Objections*

Claim 8 has been amended to insert “first” before “electrode” as required by the Examiner. Removal of the objection is requested.

### *Claim Rejections – 35 U.S.C. § 102*

Claims 1-4, 6-9, 11-20 and 23-38 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,563,762 to Leung et al. (hereinafter “Leung”).

Applicant respectfully traverses the rejections.

Claim 1 is amended to recite, “the first electrode is coupled to the wire through a contact hole in the dielectric material.” See, for example, FIG. 5 of the present application, which show a dielectric material 130 intermediate the first electrode 140 and the second electrode 120.

In contrast, in Leung, several layers of dielectric 214/216 are not intermediate a top electrode 234 and a bottom electrode 228. See col. 10, lines 45-52 of Leung.

Thus, Leung does not teach or disclose the above limitations of claim 1.

Claims 8 and 20 are amended to recite, “a second contact located on a top side of the bottom electrode.”

In contrast, in Leung, a contact 218 is *not* located on a top side of the bottom electrode 228. Instead, it is merely located on a top metallization layer 204.

Thus, Leung does not teach or disclose the above limitations of claims 8 or 20.

Accordingly, Leung does not teach all of the limitations of claims 1, 8, and 20.

For these reasons, Leung does not anticipate claims 1, 8, and 20. Also, claims 2-3 and 5-7; claims 9-17 and 19; and claims 21-22 and 24-28, which depend from allowable claims 1, 8, 18 and 20, respectively, and recite features that are neither taught nor disclosed in the cited references, are also allowable.

***Claim Rejections – 35 U.S.C. § 103***

Claims 5, 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung as applied above in view of US 6,800,923 to Yamamoto.

Applicant respectfully traverses the rejections.

As discussed above, Leung does not teach or disclose all of the limitations of claims 1, 8 and 20. Thus, claims 5, 10 and 22, which respectively depend therefrom, are allowable for their dependency and their own merits.

**In conclusion**

For the foregoing reasons, reconsideration and allowance of claims 1-3, 5-17, 19-22, 24-28 and 52 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

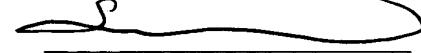
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Limited Recognition Under 37 CFR § 10.9(b)

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